

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4639 OF 2005**

Shrishail Jumann Dhanagar
@ Pujari

...Applicant

Vs.

The State of Maharashtra

...Respondent

Shri. V.V.Purwant for the Applicant.
Shri. A.S.Gadkari, A.P.P. for the Respondent.

**CORAM : A.S.OKA, J.
DATED : JULY 26, 2005.**

P.C.:

1. Heard Advocate appearing for the Applicant and learned A.P.P. for the State. The offence alleged against the Applicant and the co-accused is under sections 302, 201, 147 and 148 of the Indian Penal Code. The learned A.P.P. has stated that the investigation is substantially completed and only chargesheet remains to be filed. He has placed on record the statements of witnesses recorded during investigation. It must be noted here that the Application made by the Applicant before the Sessions Court is rejected on merits and it is not rejected on the ground that investigation was in progress.

2. In the F.I.R. lodged by the brother of the deceased. He stated that from 20th May, 2005 the deceased was missing. The F.I.R. is lodged on 25th May, 2005 i.e. the day on which the body of the deceased was recovered. The F.I.R. states that when first informant had visited village Maindargi on 25th May, 2005 the Applicant and others were following the

first informant when the first informant went to a restaurant for drinking tea. In the investigation, statements of three witnesses have been recorded. All three witnesses have stated that on 20th May, 2005 in the evening the Applicant came to the house of the deceased and inquired about the deceased and when he was told that the deceased had gone to the house of Vithoba Pujari, he left the house.

3. Apart from the aforesaid material, there is no other material available to connect the Applicant with the offence. There is no recovery of any weapon or article at the instance of the Applicant. There are no criminal antecedents of the Applicant. In view of this position, a case is made out for enlarging the Applicant on bail. Accordingly, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with C.R. No. 39 of 2005 of Akkalkot South Police Station, subject to furnishing a personal bond of Rs.15,000/- with one or two sureties in the like amount.

ii) The Bail is granted subject to condition that till the conclusion of the trial, the Applicant will report to the concerned Police Station once in a week.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in the above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE